REMARKS

This Amendment is submitted in response to the Office Action mailed on April 27, 2009. Claims 1 and 7 have been amended, and claims 1-21 remain pending in the present application. Applicants have filed herewith a Request for Continued Examination so that Applicants' After Final Amendment will be entered and considered by Examiner. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over iButton and further in view of Richard et al., U.S. Patent No. 6,564,120. Applicants respectfully traverse these rejections for the reasons set forth below and respectfully request that the rejections be withdrawn.

In the Response to Arguments section of the Office Action, Examiner asserts that the iButton tracks access to an item by a user and the identification of the user as recited in each of independent claims 1 and 21. In an attempt to support this position, Examiner refers to Pages 10 and 11 of iButton that describes that the thermochron device can be networked, can be Web-addressable and may update its own Web page. Examiner continues by quoting from paragraph [0057] of Applicants' specification that describes "[t]he access system 26 may be a device such as ... an iButton that grants access to the goods 14 of the storage unit 12 and/or identifies the individual who seeks access to the goods 14."

However, as described in paragraph [0056] of Applicants' disclosure, the access control system 26 serves as a means for granting access and/or a means for identifying that access was made to the storage unit 12 and/or an inner storage unit 24. The access control system 26 may also serve as a means for identifying an individual that accesses the storage unit 12, an inner storage unit 24 associated with the goods 14, and/or the actual goods 14.

Applicants submit that when paragraph [00057] is read in its full context, and also read with reference to paragraph [0056], it is clear that the iButton device may be used to grant access to the goods of the storage unit. However, the iButton itself does not identify an individual who seeks access to the goods. Rather, as described in paragraph [0057], a device that identifies an individual who seeks access to the goods may comprise, by way of example, a badge reading system that is able to log an individual's identification or a bioinformatics system, such as a finger scanning system, that is also able to log the individual's identification.

In view of the above, Applicants continue to traverse Examiner's rejections of independent claims 1 and 21, and claims depending therefrom, since iButton taken alone, or in combination with the other prior art of record, fails to fairly teach or suggest, as part of the claimed combination recited in independent claim 1, a storage system including a real-time clock that tracks the timing of events associated with the items being monitored with the tracking devices, including temperature, location and access to the plurality of items by a user ***through an identification of the***

user. Applicants further assert that iButton taken alone, or in combination with the other prior art of record, also fails to fairly teach or suggest, as part of the claimed combination recited in independent claim 21, a storage system including a real-time clock that tracks the timing of events associated with the items being monitored with the tracking means, including tracking location and user access to the plurality of items, ***with the user being identified electronically via an associated identification***. Consequently, Applicants respectfully submit that the rejections of independent claims 1 and 21 are improper and should be withdrawn.

Applicants have amended dependent claim 7 to recite that the inner storage unit is a shelf having electrodes, wherein the electrodes of the shelf are electrically connected to a network with the processing device so that the status of the items is monitored. Applicants submit that this amendment to dependent claim 7 overcomes the Examiner's rejection of this claim as set forth in paragraph 5 of the Office Action.

With respect to the rejection of independent claim 16, Examiner properly recognizes that Richard et al. does not disclose attaching a mechanical arm onto a surface of a storage unit as claimed. Examiner also continues to properly recognize that Richard et al. does not disclose a tracking device coupled to a mechanical arm. Examiner's position that a hook or coupling element as disclosed in Richard et al. is essentially a mechanical arm is not understood and, in any event, Richard et al. does not disclose a mechanical arm that is attached onto a surface of a storage unit as

claimed. Again, while the iButton may be easily attached to containers of frozen food or fresh foods, blood products, etc., for recording time and temperature during transport and storage as asserted by Examiner, the combination of Richard et al. and iButton fails to teach or suggest the combination of steps recited in independent claim 16 and the rejection should be withdrawn.

Moreover, as claims 2-15 and 17-20 depend from allowable independent claims 1 and 16, and further as each of these claims recites a combination of elements or steps not fairly taught or suggested by the prior art of record, the rejections of these claims are submitted to be allowable as well.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Please see the electronic fee calculation sheet for the charge in the amount of $810 for the RCE fee as required by 37 C.F.R. §1.17(e) and for the charge in the amount of $1,110 for the three month extension fee as required by 37 C.F.R. §1.17(a)(3). If any other fees are necessary, the Commissioner is hereby authorized to

charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

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